

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

| | | |
|--|--|---|
| | | Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) |
| Applicant's or agent's file reference see form PCT/ISA/220 | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/EP2005/051740 | International filing date (day/month/year) 20.04.2005 | Priority date (day/month/year) 22.04.2004 |
| International Patent Classification (IPC) or both national classification and IPC B65B51/22, B65B51/30, B65B9/06, B29C65/08 | | |
| Applicant AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|--|---|
| Name and mailing address of the ISA: | Authorized Officer |
|  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | Brentzius, W Telephone No. +31 70 340-3728 |
|  | |

IAP20 Rec'd PCT/PTO 30 DEC 2005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/051740

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Yes: Claims | 1-9 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 2-8 |
| | No: Claims | 1,9 |
| Industrial applicability (IA) | Yes: Claims | 1-9 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V.**IAP20 Rec'd PCT/PTO 30 DEC 2005**

- 1 Reference is made to the following documents:
 - D1 : US 2002/189206 A1 (CAPODIECI ROBERTO A) 19 December 2002 (2002-12-19) (corresponding to US-B-6 574 944, cited in the application)
 - D2 : WO 02/078935 A (UNI-CHARM CORPORATION; NINOMIYA, AKIHIDE; NOMURA, HIRONORI; SHINOHARA,) 10 October 2002 (2002-10-10)
 - D3: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 06, 4 June 2002 (2002-06-04) & JP 2002 059483 A (ZUIKO CORP), 26 February 2002 (2002-02-26)
 - D4 : US 4 534 818 A (KREAGER ET AL) 13 August 1985 (1985-08-13)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses a rotary unit from which the subject-matter of independent claim 1 differs in that the actuating device is coaxial with the axis of the sealing head.

- 2.2 The problem to be solved by the present invention may therefore be regarded as providing a dynamically improved and more compact sealing rotor, at least in the transverse direction.
- 2.3 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

It is well known in the art of ultrasonic sealing to provide sealing heads mounted on a rotor with coaxial actuating devices, cf. D2 or D3, with the same effect as in the present application.

2.4 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

3 DEPENDENT CLAIMS 2-8

The combination of the features of dependent claims 2-9 are neither known from, nor rendered obvious by, the available prior art.

4 DEPENDENT CLAIM 9

The additional features of claim 9 are obvious in the light of document D4.